

**AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS**

Border Environment Cooperation Commission

International Joint Commission

International Boundary Commission

Proposed Appropriation Language

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, [\$11,649,000, of which \$7,559,000 is] for the International Joint Commission and [\$1,970,000 is for] the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and [\$2,120,000 is] for the Border Environment Cooperation Commission as authorized by Public Law 103-182 , *\$12,608,000: Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses [45 days after submission to the Committees on Appropriations of a report detailing obligations, expenditures, and associated activities for fiscal years 2006, 2007, and 2008, including any unobligated funds which expired at the end of each fiscal year and the justification for why such funds were not obligated]. (*Department of State, Foreign Operations and Related Programs Appropriations Act, 2009.*)

BORDER ENVIRONMENT COOPERATION COMMISSION

Resource Summary

(\$ in thousands)

Appropriations	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Funds	2,202	2,120	2,249	129

FY 2008 Actual reflects the rescission of 0.81% provided by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (P.L. 110-161, Division J).

Overview

The Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB) are binational organizations created by the Governments of the United States and Mexico under a side agreement to the North American Free Trade Agreement, in order to help address the environmental infrastructure needs in the border region between both countries.

The “*Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*” (the BECC/NADB Charter), was executed in 1993 and amended through Protocol of Amendment signed on November 25 and 26, 2002, which entered into effect on August 6, 2004. The BECC is located in Ciudad Juarez, Chihuahua, Mexico.

The mission of the Border Environment Cooperative Commission (BECC) is to work to preserve, protect and enhance human health and the environment of the U. S. – Mexico border region, by strengthening cooperation among interested parties and supporting sustainable projects through a transparent bi-national process in close coordination with the NADB (North American Development Bank), Federal, State, local agencies, the private sector, and civil society. BECC was created to assist border communities in developing environmental infrastructure projects to meet certification requirements to be eligible to receive funding from the NADB, or other institutions. The goal of BECC’s certification requirements is to ensure that projects provide environmental and human health benefits. These projects have to be technically feasible and affordable as well as capable of being operated over the long term, while ensuring transparency and public participation. BECC is authorized to work on the U.S.-Mexico Border up to 100 km north on the U.S. side and 300 km south on the Mexican side .

In order to carry out its purpose, the BECC/NADB Charter grants the BECC the following functions:

- With their concurrence, assist States and localities and other public entities and private investors in: coordinating, preparing, developing, implementing and overseeing environmental infrastructure projects in the border region, including the design, sitting and other technical aspects; analyzing the financial feasibility or the environmental aspects of the environmental infrastructure projects; evaluating social and economic benefits of the projects; and organizing, developing and arranging public and private financing for environmental infrastructure projects in the border region; and
- Certify, by a decision of its Board of Directors, environmental infrastructure projects in the border region to be submitted for financing to the NADB, or to other sources of financing that request such certification.

BORDER ENVIRONMENT COOPERATION COMMISSION

The BECC/NADB Charter defines an environmental infrastructure project as a project that will “prevent, control or reduce environmental pollutants or contaminants, improve the drinking water supply, or protect flora and fauna so as to improve human health, promote sustainable development, or contribute to a higher quality of life”. Based on this definition, the specific sectors that BECC and NADB currently address are the following:

- Water Pollution
- Wastewater Treatment
- Municipal Solid Waste
- Water Conservation
- Industrial and Hazardous Waste
- Domestic hook-ups to Water and Wastewater Systems
- Recycling and Waste Reduction

* The sectors listed above are given priority by the BECC/NADB Charter

- Air Quality
- Clean and Efficient Energy
- Public Transportation
- Municipal Planning and Development, including Water Management

Performance

The work of the BECC continues to support the Department of State’s strategic goal of Promoting Economic Growth and Prosperity through three programs (1) Technical Assistance Program (2) Public Involvement and Public Outreach Process and (3) Municipal Strategic Planning. In order to set performance goals for the institution, an administrative tool called “Balanced Scorecard” (BSC) was introduced. The BSC is a modern management method for measuring an organization's performance parameters. The BSC design translates the organization’s Vision, Values, Mission and Strategy into performance indicators, which can be used to measure the degree in which the strategic objectives are accomplished. It assists in monitoring the fulfillment of strategic objectives, expenses, costs, productivity, customer satisfaction, internal processes, employee motivation, and training.

The BECC's BSC contains 18 strategic objectives and 48 performance indicators; 15 of the performance indicators (corresponding to 11 strategic objectives) were selected in a prioritization process and were carried out in 2007. In addition, the objectives of the Quality Management System are also perfectly attuned to the objectives and indicators of the BSC. This effort resulted in BECC organizing its efforts into seven activities, which are:

Technical Assistance:

- Technical Assistance and Project Certification
- Environmental Project Management
- Strategic Planning
- BECC Performance Improvement and General Support

Public Involvement and Public Outreach Process:

- Knowledge Management Program
- Public Participation and Capacity Building Program

Municipal Strategic Planning

- Municipal Planning

BORDER ENVIRONMENT COOPERATION COMMISSION

Program Description

TECHNICAL ASSISTANCE

The role of the BECC is to assist border communities in the development and certification of high priority environmental infrastructure projects by providing technical assistance services such as engineering analysis, project development and design, financial feasibility studies, community participation, environmental assessment and sustainable development. In addition to providing project development expertise, the BECC mobilizes the resources from U.S. and Mexican environmental agencies and other sources, and provides access to the financial resources of the NADB or other funding sources requiring such certification.

The BECC assists the U.S.-Mexico border's neediest communities that without this assistance would otherwise be incapable of obtaining financial resources, by providing grant funding for planning, development, and design of necessary, complex environmental infrastructure projects. BECC commits resources that enable border communities to undertake initial project development activities and also facilitates subsequent detailed technical work necessary to formulate high quality projects that can meet the intent of the certification process.

Technical Assistance and Project Certification

The purpose of the Technical Assistance and Project Certification is to offer technical services and/or financial assistance to help project sponsors effectively implement high-quality project development efforts and achieve certification for critical environmental infrastructure projects.

Environmental Project Management

The purpose of the Environmental Project Management Program is to utilize BECC's leadership and institutional capacities to create an opportunity to enhance coordination among stakeholders and strengthen regional commitment to environmental activities, resulting in greater efficiencies and effectiveness for the project beneficiaries and related programs.

Strategic Planning

The purpose of the Strategic Planning Program is to identify needs, develop/prioritize solutions, and optimize resources to achieve local, state and regional environmental and human health goals. This program includes environmental infrastructure planning by region and by sector, as well as strategy development and project management for some project types in new sectors, such as energy efficiency and renewable energy. As a related function, this program also encompasses the implementation of the results measurement system for projects, specifically for post-implementation review and monitoring tasks, including activities such as the recently initiated project close-out process.

BECC Performance Improvements and General Support

The purpose of the Performance Improvement is to identify, develop, and implement institutional improvements to optimize its human and financial resources, enhancing its capacity to achieve high-quality products and services. In addition the General Support activity is to provide responsive and high quality services important to the daily operations of the BECC.

BORDER ENVIRONMENT COOPERATION COMMISSION

PUBLIC INVOLVEMENT AND PUBLIC OUTREACH PROCESS

Public Participation and Capacity Building

The purpose of the Public Participation and Capacity Building Program is to provide a foundation for sustainable development along the border through efforts aimed at inspiring community-based support for a project, providing transparency in each border initiative and strengthening the institutional capacity of border communities and utility providers.

One of the BECC's greatest successes is its public participation requirement. Public participation activities are required to ensure broad community support for projects that are being considered for certification. The establishment of active, local steering committees is a key element of this process that provides transparency and access to project information, the involvement of local organizations in the decision-making process, and the presentation of projects in public forums for discussion.

Knowledge Management

The purpose of the Knowledge Management Program is to create effective communication tools to document conditions existing in the border region, which have been identified through the coordinated efforts of BECC and other border stakeholders for information exchange to all interested parties. Information availability and accessibility are critical to facilitate the achievement of environmental and human health objectives in the border region. In addition to border communities and government stakeholders, there are a variety of other formal and informal mechanisms developed to manage border issues. Each requires information about the current conditions in the region in order to further their role in addressing target issues. Information exchange is also important to prevent the duplication of efforts and foster the opportunity to build upon the works of others

MUNICIPAL STRATEGIC PLANNING

Municipal Planning

The lack of municipal planning in many communities along the US-Mexico Border is primarily due to lack of resources.

Justification of Request

For FY 2010, the BECC is requesting a total of \$2,249,000 from the U.S. for its operating budget. This level will allow the BECC to continue supporting the Department of State in achieving its strategic goal of improving health and environmental conditions for the U.S.-Mexico border region.

The BECC's request for FY 2010 is \$129,000 above the FY2009 funding level. The U.S. portion of the increase in BECC's budget for FY2010 will be utilized to fund costs of living increases and develop a new strategy for municipal planning program.

Technical Assistance Program - \$49,000

The U.S. portion of the increase in BECC's budget for FY2010 will be utilized to fund costs of living increases.

Municipal Strategic Planning - \$80,000

The increase of \$80,000 requested in FY2010 will be applied to fund technical assistance in developing new strategies for municipal/county development, considering the most advanced

BORDER ENVIRONMENT COOPERATION COMMISSION

urban planning criteria available and based on natural resources availability, local and regional ecosystems characteristics, land use patterns, governance, and local socioeconomic trends and problems.

Funds by Program Activity

(\$ in thousands)

	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Public Involvement and Public Outreach Process	75	75	75	0
Technical Assistance Program	2,127	2,045	2,174	129
Total	2,202	2,120	2,249	129

Funds by Object Class

(\$ in thousands)

	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
1100 Personnel Compensation	1194	1,157	1,128	(29)
1200 Personnel Benefits	398	386	282	(104)
2100 Travel & Trans of Persons	96	83	70	(13)
2300 Rents, Comm & Utilities	192	187	160	(27)
2500 Other Services	212	208	524	316
2600 Supplies and Materials	82	74	85	11
3100 Personal Property	28	25	0	(25)
Total	2,202	2,120	2,249	129

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INTERNATIONAL JOINT COMMISSION

Resource Summary

(\$ in thousands)

Appropriations	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Positions	24	24	24	0
Funds	7,131	7,559	7,974	415

FY 2008 Actual reflects the rescission of 0.81% provided by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (P.L. 110-161, Division J).

Overview

The Boundary Waters Treaty of 1909 (BWT) established the International Joint Commission (IJC) as a cornerstone of United States – Canada relations in the boundary region. The IJC has fine-tuned a successful model for preventing and resolving disputes that is unbiased, scientifically-based, inclusive and open to public input. Under the BWT, the IJC licenses and regulates certain water resource projects along the border that affect levels and flows on the other side, provides advice to and conducts studies at the request of governments on critical issues of joint concern, and apportions waters in transboundary river systems. The IJC also alerts the governments to emerging issues that might have negative impacts on the quality or quantity of boundary waters and brings to the attention of senior officials the latest developments in science, engineering and administration that could benefit the management, security or conservation of water-related natural resources. Other treaties, agreements and conventions (often the result of IJC advice and recommendations) direct the IJC to assess progress in restoration of water quality in the Great Lakes, and, in specified transboundary basins, to respond quickly to emergency water level conditions, apportion flows and approve diversions. The IJC also assists the governments in efforts to prevent transboundary air pollution and improve air quality.

Led by three commissioners from each country, the IJC operates through small section staffs in Washington, D.C. (U.S. funded) and Ottawa, Canada (Canadian funded) and a binational Great Lakes Regional Office in Windsor, Canada (jointly funded). Currently, 20 active boards and task forces, plus various related technical working groups and committees, provide expert advice on both science and policy issues. Approximately 300 professionals from within government agencies, universities, nonprofit agencies and industry carry out this work in their personal and professional capacities and not as representatives of their respective organizations or countries.

The Boundary Waters Treaty gives the IJC the responsibility to approve applications for and oversee the operation of hydropower dams and other infrastructure projects in waters along the U.S.-Canadian border to suitably protect all interests from potential adverse effects of these projects. When the IJC approves such projects, a binational board typically is established to oversee construction and operation of the project. The board assures that treaty requirements are met and helps the IJC carry out its regulatory functions. As required, the IJC conducts studies to review the operational criteria for projects under IJC jurisdiction. In addition, the Boundary Waters Treaty provides that the U.S. and Canadian governments may refer questions or matters of difference to the IJC for examination and report. When such a “reference” is received, the IJC appoints an investigative board or task force for advice on the matters addressed in the reference. Since the establishment of the IJC, the two governments have requested, on more than 120 occasions, that the Commission review applications for projects affecting boundary waters and undertake studies, or “references,” on critical issues about which they disagree or on which they seek the advice of the IJC.

Performance

The IJC supports three of the Department’s performance goals -- close, strong and effective U.S. ties with allies, friends, partners and regional organizations; the containment or resolution of existing and emergency regional conflicts; and the development of partnerships, initiatives and implemented international treaties and agreements that protect the environment and promote efficient energy use and resource management. The IJC’s annual project agenda consists of scientific and technical studies performed at the request of the two national governments, some known in advance, others requested in the course of the fiscal year.

INTERNATIONAL JOINT COMMISSION

In addition to its ongoing responsibilities, the IJC will continue to work in FY 2009 on references received from the governments of Canada and the United States. Public consultation meetings concerning the governments' review of the Great Lakes Water Quality Agreement are on-going. Water quality responsibilities and oversight of flood forecasting and flood operations in the Souris River basin are continuing. The IJC's reconstituted its International Souris River Board to encompass water quality as well as water quantity expertise.

A long-term program goal is to ensure the IJC's ability to address existing and emerging issues to help governments prevent and resolve disputes, such that the IJC is able to respond to references issued by the two governments, and to address issues early and, as much as possible, at the local level so that more substantive transboundary controversies are averted and the need for formal references avoided. A short-term program goal toward this end is steady progress in ensuring scientific, technical and institutional capacity. The structure of the Commission's boards and task forces is a critical component of this capacity, providing a forum for relevant agencies, academics, industry representatives, and others in both countries to bring their scientific and technical expertise to bear, to address emerging issues and to discuss these issues with the local public. In FY 2008, the IJC and its 21 boards and task forces conducted 38 public consultation meetings in communities along or near the international boundary. Also in FY 2008, 25 reports were issued under the auspices of the IJC and its boards and task forces providing information on work undertaken on the Commission's various responsibilities, information on water quality and water quantity requirements, and issues and developments in various watersheds along the boundary.

A second long-term program goal is to ensure that the operation of facilities affecting international water levels and flows remains relevant for current and anticipated conditions. A short-term goal within this context is to ensure steady progress in reviewing the IJC's decades-old international approvals in light of changed social, technical and climatic conditions.

During FY 2010, the IJC will:

- Continue to work with the U.S. and Canadian governments through the International Lake Ontario - St. Lawrence River Working Group concerning the regulation of water flows and operation of the Moses-Saunders Dam on the St. Lawrence River (New York, Ontario and Quebec);
- Continue the five-year Upper Great Lakes study, which will be in its fourth year in FY 2010. Activities will include: analyzing optimization and trade-offs among sectors for various regulation options of outflows from Lake Superior; developing adaptive management options; and conducting independent peer reviews of the scientific studies;
- Build capabilities at the watershed level to prevent and resolve disputes concerning shared waters locally through its International Watershed Initiative before they become international disputes through the IJC's International Watershed Initiative;
- Continue implementation of improved administrative measures for the apportionment of the St. Mary and Milk Rivers (Montana, Alberta, and Saskatchewan);
- Continue assistance to governments regarding Devils Lake;
- Continue the International Osoyoos Lake study, which is evaluating the regulation of flows on the lake (British Columbia and Washington);
- Hold 15th Biennial Meeting on Great Lakes Water Quality pursuant to the U.S.-Canada Great Lakes Water Quality Agreement. The Meeting will support the governments' efforts to strengthen the Great Lakes Water Quality Agreement;
- Submit 15th Biennial Great Lakes Water Quality Report under the Great Lakes Water Quality Agreement;
- As required by the U.S.-Canada Air Quality Agreement, collect and synthesize public comment on the annual report of the U.S.- Canada Air Quality Committee;
- Through an interagency agreement with the U.S. Geological Survey, support the U.S. Government's program to monitor water levels and flows in numerous boundary and transboundary rivers and to meet water apportionment requirements; and
- Continue to manage water levels and flows in the Great Lakes and other boundary waters to achieve an appropriate balance among the many significant interests dependent on or affected by water levels.

INTERNATIONAL JOINT COMMISSION

Justification of Request

The FY 2010 request of \$7,974,000 reflects an increase of \$415,000 over the FY 2009 estimate. The requested increase provides funding for:

- 1) Wage and price increases for the operations of the IJC;
- 2) Monitoring of pathogens and parasites in the Devils Lake watershed;
- 3) Increased water monitoring by the U.S. Geological Survey and development of a new IJC records management system.

INTERNATIONAL JOINT COMMISSION

Funds by Program Activity

(\$ in thousands)

Activities	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Program Expenses	7,131	7,559	7,974	415
Special & Technical Investigations by U.S. Geological Survey	608	1,284	1,105	(179)
U.S. Section	6,523	6,275	6,869	594
Total	7,131	7,559	7,974	415

Funds by Object Class

(\$ in thousands)

	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
1100 Personnel Compensation	2,003	2,576	2,685	109
1200 Personnel Benefits	434	636	667	31
2100 Travel & Trans of Persons	337	363	404	41
2300 Rents, Comm & Utilities	124	166	178	12
2400 Printing & Reproduction	5	84	91	7
2500 Other Services	4,193	3,155	3,334	179
2600 Supplies and Materials	31	76	87	11
3100 Personal Property	4	151	155	4
4100 Grants, Subsidies & Contrb	0	352	373	21
Total	7,131	7,559	7,974	415

INTERNATIONAL BOUNDARY COMMISSION

Resource Summary

(\$ in thousands)

Appropriations	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
Positions	8	8	8	0
Funds	1,518	1,970	2,385	415

FY 2008 Actual reflects the rescission of 0.81% provided by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (P.L. 110-161, Division J).

Overview

The primary mission of the International Boundary Commission (IBC) is to maintain an “effective” (cleared and well-marked) boundary between the United States and Canada as prescribed by the 1925 Treaty of Washington. In recent years, the IBC has modified its mission to more effectively support the Department’s Strategic goals of Regional Stability and Homeland Security. To achieve its mission the IBC has established a maintenance schedule for the entire U.S.-Canadian boundary (5,525 mile) as the primary performance measure of the effectiveness of the IBC. The February 2004 “Report on the Present State of the Maintenance of the United States and Canada Boundary and Recommendations for the Future” details the state of the boundary and the steps necessary for the IBC to meet the performance goal.

The Treaty of 1925 requires the maintenance of an “effective” boundary line between the United States and Canada. The Treaty specifies that, to be “effective”, the boundary line must be accurately delineated and marked with stable identifying monuments. This is accomplished on land by clearing a 20-foot wide line-of-sight (i.e., “vista”) from one boundary monument to the next along the entire 5,525 U.S.-Canadian mile boundary. The IBC maintains more than 5,500 land boundary monuments and more than 2,800 reference monuments which are used to locate the water boundary. In addition, the IBC regulates construction crossing the boundary and provides boundary-specific positional and cartographic data to the public and private sectors. The IBC appropriation provides funds to implement U.S. obligations under the Treaty, thereby maintaining and preserving an effective boundary line between the two countries that ensures the sovereignty of each nation over its territory by clearly establishing where one’s rights and responsibilities end and the other’s begin, thus virtually eliminating the potential for serious and costly boundary disputes.

Program Description

Although the boundary was cleared, surveyed and marked years ago, a cyclical program of maintenance is required to sustain an effective boundary line. The necessity of continuous maintenance is due to the deterioration and destruction of boundary monuments and to brush and timber overgrowth obstructing the 20-foot wide vista. Generally, the boundary was on a 15-year maintenance cycle, but the IBC estimates that over the last 15 years the maintenance cycle has fallen behind by 8 years. This deterioration in the cycle was due in part to the discontinuation of the use of herbicides. Additionally, increased security issues along the boundary in recent years, has caused the IBC to alter project priorities to accelerate the maintenance cycle in high traffic areas.

Last year the IBC began to resurvey and convert all North American Datum 27 (NAD27) map coordinates that currently define the boundary to NAD 83 positions.

Performance

Maintaining an “effective” boundary is vitally important for the national interest. The IBC proposes to track performance by comparing the number of miles along the border maintained (vista clearing and monument maintenance) during each fiscal year with the number of miles targeted for that year, to gauge efficiency by comparing performance data with operational costs, and to document the implementation and results of efficiency improvements.

INTERNATIONAL BOUNDARY COMMISSION

Justification of Request

The FY 2010 request of \$2,385,000 will continue to fund the IBC operations and the following seven boundary maintenance projects:

- Reclearing and Monumentation 141st Meridian (64 miles) (Alaska-Yukon) (\$520,000)
- Vista clearing Southwest and South Line (42 miles) (Maine-New Brunswick) (\$175,000)
- GPS and Monumentation (Southeast Alaska-British Columbia) (\$220,000)
- Vista Clearing 49th Parallel-(40 miles) (Minnesota-Manitoba)(\$175,000)
- Clean Paint and Repair Monuments 49th Parallel (Montana-North Dakota) (150 miles) (\$190,000)
- Clear 3 miles Glacier Park (Montana-Alberta) (\$20,000)
- Clean Paint and Reclear Ranges Passamoquoddy Bay (Maine-New Brunswick) (\$40,000)

Funding will also continue to support a third year of a five-year remapping project for the entire boundary as well as the implementation of a Geographical Information System.

A well-marked and maintained boundary also enables Federal, state and local law enforcement agencies to accomplish their duties more effectively. It also ensures that persons arriving at the boundary anywhere along its length will know which country they are in and therefore, what laws they are under. An ambiguous boundary line would needlessly complicate and disrupt the business of government and private industry as well as the lives of the people living and working along it.

Funds by Program Activity

(\$ in thousands)

Activities	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
International Boundary Commission	1,518	1,970	2,385	415
Equipment Lifecycle Program	20	200	50	(150)
Field Campaigns	546	724	1,340	616
IBC - Operations	902	946	995	49
Mapping / Survey Projects	50	100	0	(100)
Total	1,518	1,970	2,385	415

Funds by Object Class

(\$ in thousands)

	FY 2008 Actual	FY 2009 Estimate	FY 2010 Request	Increase / Decrease
1100 Personnel Compensation	530	554	582	28
1200 Personnel Benefits	158	166	177	11
2100 Travel & Trans of Persons	91	90	96	6
2300 Rents, Comm & Utilities	73	81	85	4
2500 Other Services	596	774	1,140	366
2600 Supplies and Materials	50	55	55	0
3100 Personal Property	20	250	250	0
Total	1,518	1,970	2,385	415